



# PROPOSED ADULT BUSINESS ORDINANCE AMENDMENTS

By Claudia C. Hanson & Chandeni K. Sendall - May & June 2017

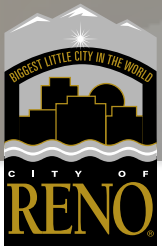
## Council Directed Initiative in 2015

- Review existing adult business-related code sections
- Review existing studies concerning the secondary effects occurring in and around adult businesses
- Hold public workshops and hearings to obtain testimony and gather evidence regarding number and location of all adult business-related establishments

## Reno Municipal Code & Land Use Development Code

- Title 4 (Business License)
- Title 5 (Privileged License)
- Title 8 (Public Peace, Safety and Morals)
- Title 18 (Zoning)

# Federal Restrictions & Caselaw



- First Amendment to the United States Constitution
  - Freedom of Speech and Expression protected (strip clubs, adult bookstores)
- Relevant Findings:
  1. Adult business locations can be restricted by the City
  2. Such a restriction must be designed to prevent SECONDARY EFFECTS: for example, crime, protect trade, maintain property values, and preserve quality of life, NOT to suppress unpopular views or free expression
  3. “A city's interest in attempting to preserve the quality of urban life is one that must be accorded high respect”
    - *City of Renton v. Playtime Theatres, Inc.* 475 U.S. 41 (1986)
  4. In considering a city's justifications for its regulation of adult businesses, we do not impose “an unnecessarily rigid burden of proof . . . so long as whatever evidence the city relies upon is reasonably believed to be relevant to the problem that the city addresses.”
    - *Jackson v. City & Cty. of San Francisco*, 746 F.3d 953 (9th Cir. 2014)

# Adult Business - Secondary Effects



- Personal and property crimes
- Prostitution
- Potential spread of disease
- Illicit drug use and drug trafficking
- Negative impacts on surrounding properties, businesses, and tourism
- Decrease in property value
- Exposure of minors to adult business materials
- Urban blight
- Lethargy of revitalization efforts
- Lewdness
- Public indecency
- Obscenity
- Litter
- Sexual assault and exploitation

**Alcohol consumption impairs judgment and lowers inhibitions, thereby increasing the risk of and exacerbating adverse secondary effects**

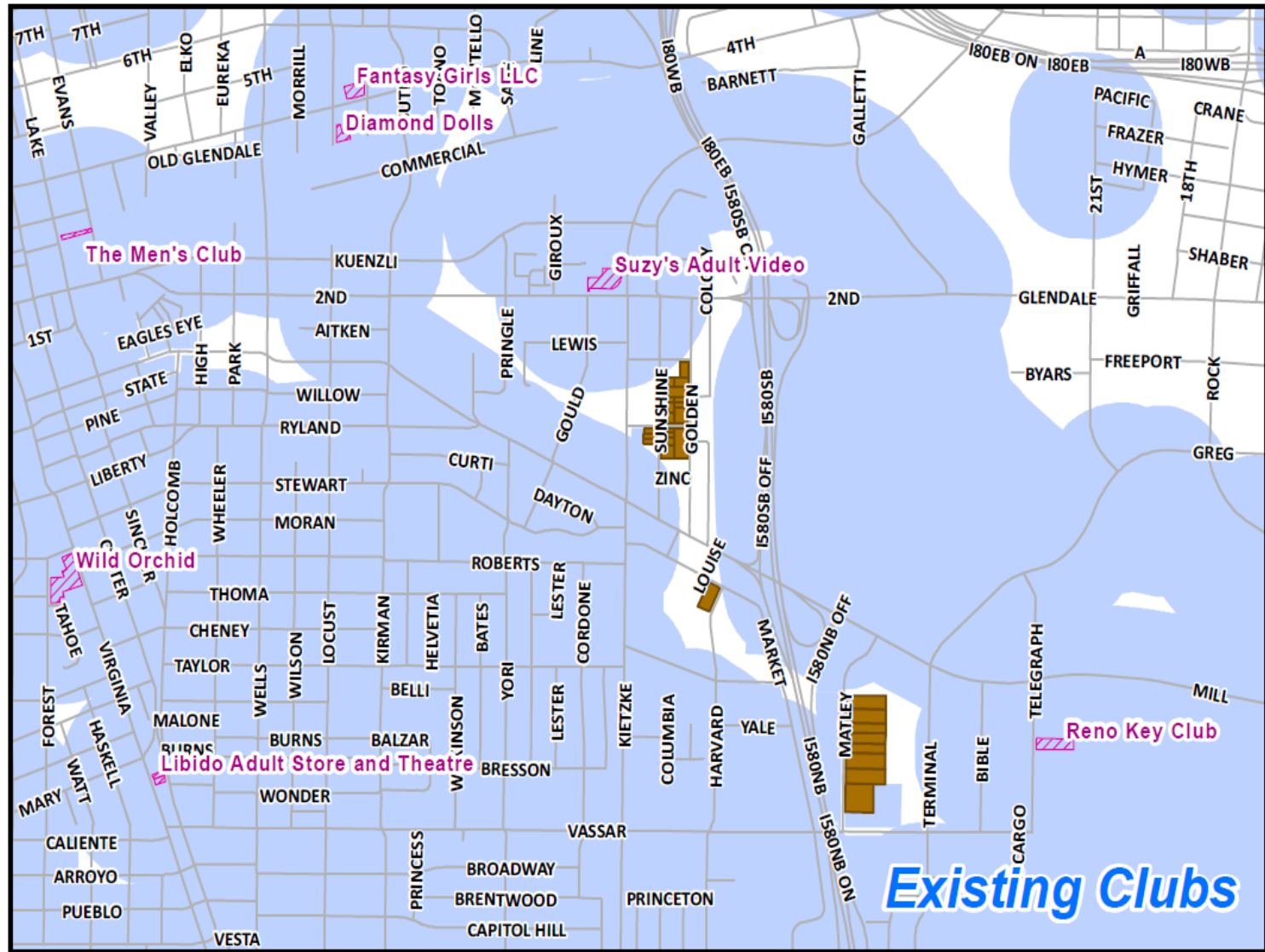


## Direction Received

- *Elimination of alcohol at non-conforming adult business locations within two years of the adoption of an ordinance*
  - Separation of the issuance of an alcohol license and adult interactive cabaret license
- *Limit exterior signs and displays at all adult businesses*
  - To static signs only where no pictures or other representations of products, entertainment services, or activity that takes place for sale or gift on premises may be visible from the sidewalk, street or any exterior portion of the building within six months of the adoption of an ordinance



# Current Adult Business Locations



# Staff Findings - Existing Businesses



## Conforming Locations:

Industrial Zoning – found to have least impact on surrounding community

Spacing Criteria – Residential Zoning, Gaming, Schools, Parks, RDA (prohibited)

Adult Interactive Cabaret		Conforming Location
	Diamond Dolls	No
	Fantasy Girls	No
	Men's Club	No
	Wild Orchid	No
	Key Club	Yes
Retail Stores		
	Susie's	No
	Libido	No

# Signs



- Constitution protects content of signs
- City can regulate time, place, manner
- Images of activities on signs increases exposure to youth and general public
- Staff proposes not to allow images of adult business activities from within the facility to be displayed to the general public from the exterior portion of the building
- No digital signs



- Further exacerbates secondary effects
- Not protected under Constitution
- To limit secondary effects, eliminate presence of alcohol in areas where it would most impact surrounding community
  - Nonconforming Locations
- Industrial areas do not have the same surrounding community, therefore secondary effects do not have same impact

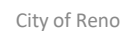
# Summary of Changes



*	Signs	Alcohol	Location
Current	No product, picture or other representation shall be displayed where visible from street	(7/8) Non Conforming Locations	Redevelopment Areas 1 & 2
Proposed Restrictions	Specify no depiction of adult business-related activity; No Digital	Conforming Locations only	Industrial Zones; Spacing Requirements
Proposed Amortization	6 Months	6 Months/Two Years	2 Years

# Allowable Zoning Locations











# Next Steps - 2017



- May/June
  - Stakeholder outreach/workshop
    - Adult Business Owners & Real Property Owners
  - Business & Community Groups
    - NABs, EDAWN, RAD, The Chamber, and others
  - Title 4, 5 & 8: Business Impact Statement
- July - Final Draft Preparations
- August - City Council presentation/final direction
- September - Planning Commission review
- October/November - City Council review/final adoption





- Claudia Hanson
  - Planning Manager, Community Development
  - Email: [hansonc@reno.gov](mailto:hansonc@reno.gov)
  - Phone: 775-334-2381
- Chandereni Sendall
  - Deputy City Attorney, City Attorney's Office
  - Email: [sendallc@reno.gov](mailto:sendallc@reno.gov)
  - Phone: 775-334-2073